

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TONYA ALLEN

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*

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v.

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Civil No. JFM-10-2021

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KENDALL RIDGE APARTMENTS, ET AL.

MEMORANDUM

Plaintiff has instituted this *pro se* action under the Fair Housing Act against Kendall Ridge Apartments and Fairfield Properties, LP. Defendants have filed a motion to dismiss to which plaintiff has responded. The motion will be granted.

At bottom, plaintiff alleges that defendants have violated the Fair Housing Act because she suffers from asthma and they have not taken effective steps to prohibit the boyfriend of the tenant who lives in the apartment above plaintiff's to smoke in the tenant's apartment. Plaintiff has not made any allegations from which it could be inferred that defendants discriminated against her because of her asthma or for any other reason. Moreover, the record also establishes that defendants have taken steps to reasonably accommodate plaintiff's concerns. Specifically, defendants have (1) moved plaintiff from another apartment unit in which she complained about odors that she smelled to her present apartment unit; (2) performed preventative maintenance in plaintiff's present unit, including caulking around the baseboards, insulating all doors and windows, insulating pipes, insulating outlets, adding filters and air-vents and adding a product known as "True Air filter;" (3) written to all tenants asking that they and their visitors smoke only on the balcony; and (4) advised plaintiff that she would be let out of her lease and that she could relocate somewhere else at any time.

Plaintiffs has rejected all of these offers of accommodation. Apparently, in her view the only proper action for defendants to take is to require the tenant living in the apartment above her to relocate or somehow to compel her from permitting her boyfriend to smoke in the apartment.¹ The law provides no basis for this request.

A separate order treating defendant's motion to dismiss as one for summary judgment and granting it as such is being entered herewith.

/s/
J. Frederick Motz
United States District Judge

¹ I note that attached to defendant's motion to dismiss is an affidavit from the tenant in question who serves as the Assistant Dean for Career Development at the University of Maryland Law School and who denies that she or her boyfriend smoke or use other substances in her apartment. Indeed, she asserts that because of her own respiratory condition, she does not permit any smoking to take place in her apartment. Further, she asserts that she has "been the target of plaintiff Allen's repeated, and increasingly troublesome and volatile, harassment."